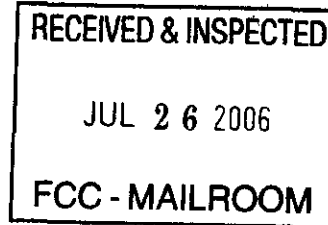


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## REQUEST FOR WAIVER

RECEIVED &amp; INSPECTED

JUL 26 2006

FCC - MAILROOM

## FACSIMILE TRANSMITTAL SHEET

TO:	Office of the Secretary	FROM:	Brian D. Chase
COMPANY:	Conneaut Area City Schools	DATE:	7/25/2006
FAX NUMBER:	440.593.6556	TOTAL NO. OF PAGES INCLUDING COVER:	13
PHONE NUMBER:	440.593.7260	SENDER'S REFERENCE NUMBER:	129417
RE:	REQUEST FOR WAIVER	YOUR REFERENCE NUMBER:	

☒ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

Please review our "Request for Waiver".

If you have any questions, please do not hesitate to contact my office or cell.

Yours Truly,

Brian D. Chase

Conneaut Area City Schools Director of Technology

no. of Copies rec'd

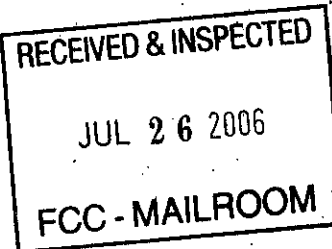
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[CLICK HERE AND TYPE RETURN ADDRESS]

Brian D. Chase  
Director of Technology  
400 Mill St.  
Conneaut, OH 44030  
July 25, 2006

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554



Dear FCC:

**REQUEST FOR WAIVER**

**Conneaut Area City Schools**  
**Billed Entity Number: 129417**  
CC Docket No. 02-6 - CC Docket No. 96-45 and CC Docket No. 02-6

Please review the enclosed information and process our "request for review".

**Contact Information:**

Brian D. Chase  
Conneaut Area City Schools Director of Technology  
400 Mill St.  
Conneaut, Ohio 44030

Office: 440.593.7260  
Cell: 440.813.4835

Email: [brian.chase@neomin.org](mailto:brian.chase@neomin.org)

Sincerely,

Brian D. Chase

Enclosure

3. of Copies rec'd 0  
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**RECEIVED & INSPECTED**

JUL 26 2006

**FCC - MAILROOM****REQUEST FOR WAIVER****Conneaut Area City Schools****Billed Entity Number: 129417****Referring to 471 Applications: 489200 and 489263****CC Docket No. 02-6 - CC Docket No. 96-45 and CC Docket No. 02-6**

FCC Commissioners,

The Conneaut Local School District hereby appeals to the FCC for relief in the matter of a funding denial for funding year 7/1/2005-6/30/2006 made by the Universal Service Administrative Company's SLD. As we will demonstrate below, the Conneaut Local Schools district was denied funding for critical telecommunications services by the SLD due to a minor technicality and misinformation by the SLD when seeking assistance to resolve the technicality.

Specifically, we are requesting relief similar to that afforded organizations listed in the Bishop Perry Order including:

- A) A waiver of the 60 day window to file an appeal
- B) A waiver of the 471 filing window deadline
- C) Remanding of our funding application for 7/1/2005-6/30/2006 back to the SLD to evaluate the application based upon its applicability of SLD funding mechanisms

**Circumstances:**

In 2004, Conneaut Local Schools for the first time applied for E-rate funding for Priority One funding for telecommunications services. Working with our local telephone company, we were able to obtain state-of-the-art services for a reasonable price, but services we could only afford with the E-rate funding in place. We proceeded with the process, meeting all deadlines and processing all documents correctly. We then received funding approval and began enjoying the new services under a five year contract with our telephone company.

In early 2005, our Technology coordinator at the time, Mr. Steve Poros, filed a 471 application with the SLD for renewal of the existing services at the same rate as was approved in 2004. The application was filed with the SLD within the 471 filing window. A few days after the 471 filing window expired, the Mr. Poros went to the SLD Website to check on the application status to be sure it was certified. Instead, the application showed the status as "Incomplete". Upon seeing this, he immediately contacted the SLD and was told that he failed to file an item 21 attachment with the 471 application.

We have since been told that the application should not have been "Incomplete" due simply to the lack of an item 21 attachment. This is one basis of our appeal.

During the same call in which Mr. Poros learned of the missing item 21 attachment, he was told to re-file a 470 application, wait 28 days, then file a new 471 against the new 470 application. Mr. Poros did as he was instructed. After the new 471 application was filed, he checked the SLD Website and noted the new 471 application was "Certified Out-of-Window". Mr. Poros contacted the SLD to see what would become of the application now. He was instructed to wait until all "IN-Window" 471 applications were processed, then if funds were still available, the application would be reviewed. Mr. Poros retired shortly thereafter.

In the fall of 2005, Mr. Brian Chase assumed the responsibilities of the district Technology Coordinator. Upon assuming the position, he became aware of the pending 471 application through conversations with the local telephone company, Conneaut Telephone Company. Specifically, Mr. Kenneth Johnson informed Mr. Chase of the problems with the 471

application in the spring and offered to work with the district before invoicing the district for the entire contract amount due the Conneaut Telephone Company.

Conneaut Telephone Company to date, still has not invoiced the Conneaut Local Schools for the unpaid E-rate amounts, but rather, has been willing to defer billing those amounts pending exhaustion of the appeals process.

Once notified of the E-rate circumstances, Mr. Chase contacted the SLD to determine the process by which to request a waiver of the 471 filing window deadline. He was told by the SLD to file an appeal. Mr. Chase complied by filing an appeal in September of 2005. Upon receipt of the appeal, the SLD summarily dismissed it since it was initiated 60 days after the "Out-of-Window" letter was sent (See SLD letter dated October 13, 2005). We now had to wait until the SLD finished funding "In-Window" applications. (Please review the included USAC papers at the end of this request pertaining to the filed appeal with USAC).

While checking on E-rate funding decisions we noticed that the FCC has issued the "Bishop Perry Order" remanding hundreds of cases of similar circumstances back to the SLD for review based upon their merit rather than judging them based on bureaucratic integrity. Mr. Johnson contacted Mr. Chase at the Conneaut Schools to inform him of the Bishop Perry Order. Due to the summer break and vacations, it took a couple of weeks for the two to speak on the matter. The SLD did not inform the Conneaut Schools of the Bishop Perry Order or the applicability of it to Conneaut's circumstances.

In July, Mr. Chase and Mr. Johnson reviewed the Bishop Perry Order. After some discussion, Mr. Chase setup a conference call with the two and the district's state technology liaison, Mr. Dan Farslow. During the conversation, Mr. Dan Farslow communicated that the Bishop Perry Order addressed deadline issues for funding year 2006-2007, but did not address applications of the year 2005-2006. We feel that the issues raised in the 2006-2007 Bishop Perry Order have direct relevance to the issues we face with our 2005-2006 application.

Specifically, the Conneaut Local Schools respectfully appeal to the FCC for relief and ask them to remand the 471 applications back to the SLD for examination of funding for the year 2005-2006 for Priority One Telecommunications Services based upon the following:

- A) Conneaut Local Schools are in dire financial straights and cannot afford the basic telecommunications needed by the district without E-rate funds.
- B) In May of 2006, The FCC issued the Bishop Perry order to remedy denied E-rate funding decisions based on identical circumstances such as administrative confusion and technical execution of the application process.
- C) To deny a rural school district such as Conneaut Local Schools an good-faith opportunity at E-rate funding due to minor administrative errors in the detailed and complicated application process and lack of direction shown by the SLD undermines important goals that were key components of the creation of the Universal Service Fund.
- D) Conneaut Local Schools service provider, Conneaut Telephone Company, has still not billed the district for E-rate amounts. We ask that the FCC provide the same amount of understanding with the district as our service provider has.
- E) The amount of the 471 application in question for 7/1/05-6/30/06 while an overwhelming obstacle to the Conneaut Local Schools, represents no material burden on SLD funding mechanisms as the Bishop Perry Order articulates.
- F) Mr. Chase, Mr. Johnson, and the Conneaut Local School District did complete the appropriate 471 application "IN-Window" for the funding year 2006-2007.

Again, we the Conneaut Local Schools place our last chance at obtaining this critical funding for funding year 2005-2006 with the FCC, trusting that the same critical circumstances resulting in relief for some entities under the Bishop Perry Order are consistent with the circumstances of the Conneaut Local School District, and that the FCC can reach no other decision than to grant the waivers requested in this appeal and remand the original 471 application back to the SLD for judgment of the application based upon its merits. This funding is NECESSARY for our district to continue our day to day operations.

Thank you for your immediate attention to this matter.

Brian D. Chase

Conneaut Area City Schools Director of Technology

400 Mill St.  
Conneaut, OH 44030

Office: 440.593.7260  
Cell: 440.813.4835  
Email: [brian.chase@neomin.org](mailto:brian.chase@neomin.org)

**USAC****Universal Service Administrative Company**  
Schools & Libraries Division**FORM 470-Receipt Notification Letter**  
(Funding Year 2005: 07/01/2005--06/30/2006)

May 02, 2005

Steve Poros  
CONNEAUT AREA SCHOOL DISTRICT  
263 LIBERTY ST  
CONNEAUT, OH 44030-2705Re: Applicant's Form Identifier: 77777  
Form 470 Application Number: 920890000541729  
Entity Number: 129417  
Date Form 470 Posted: 04/29/2005  
Allowable Vendor Selection/Contract Date: 05/27/2005

Dear Steve Poros:

This letter is to notify you that the Schools and Libraries Division (SLD) has received your FCC Form 470, "Description of Services Requested and Certification Form," although we have NOT yet received your Block 5 signed certification page, either online or on paper. This letter provides important information about program rules. Please read this letter carefully and retain it for your records and future reference.

The Form 470 Application Number listed above has been assigned by the SLD and will be used to track your Form 470. This number must be provided on each FCC Form 471, "Services Ordered and Certification Form," Block 5 Funding Request that cites this Form 470. Any applicant who relies on this Form 470 will need to know this Form 470 Application Number. You may wish to share this number with those schools and/or libraries featured in this application to assist them in their preparation of the Form 471.

The purpose of the Form 470 is to open a competitive bidding process for the services desired. The Form 470 applicant is responsible for ensuring an open, fair competitive process and selecting the most cost-effective provider of the desired services with price being the primary factor. The Form 470 must be completed by the entity that will negotiate with potential service providers. A service provider who will participate in the competitive bidding process as a bidder cannot complete it. Please be aware that if a service provider was involved in the preparation or certification of your Form 470, this involvement could taint the competitive bidding process and result in the denial of your funding requests.

FCC rules require that requests for non-contracted tariffed or month-to-month services and requests for new contractual services be posted on the SLD section of the USAC web site for a period of at least 28 days before selecting a vendor in order to provide for a competitive bidding process. If you indicated on your Form 470 that you have an RFP, that RFP must also be available to potential bidders for at least 28 days before selecting a vendor. In addition, if you are seeking support on your Form 470 for the first time for services delivered under a multi-year contract signed on or before July 10, 1997, the SLD cannot process your Form 471 until the 28-day waiting period has elapsed. State or local

laws may require a longer procurement cycle. This 28-day waiting period must occur before you may execute any contracts for contracted services, before you select your vendor for non-contracted tariffed or month-to-month service, and before you sign and submit your Form 471.

The "Allowable Vendor Selection/Contract Date" featured above is the earliest date that you may execute any contracts for contracted services, select your vendor for non-contracted tariffed or month-to-month services, and sign and submit your Form 471.

The FCC's Fifth Report & Order (FCC 04-190, released August 13, 2004) requires that documents demonstrating compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts must be retained for a period of at least five years after the last day of service delivered. See "Document Retention Requirements" in the Order for a descriptive list of many of the documents you must retain.

You must follow all applicable state and local procurement laws. You must also be able to demonstrate compliance with these laws.

Your Form 470 and RFP, if applicable, MUST define the specific services or functions (and quantity and/or capacity) for which funding will be sought. You MUST obtain specific cost information, including prices for products and services to be provided. Failure to adhere to these rules violates the requirement to choose the most cost-effective provider. Moreover, you cannot seek discounts for services in a category of service on the Form 471 if those services in those categories were not indicated on a Form 470.

Requests for Proposals (RFPs) or other solicitation methods must be tailored specifically to your needs and circumstances, and based directly on your technology plan. Use of a generic RFP used successfully by another applicant, for example, does not comply with the Commission's competitive bidding requirements. RFPs and competitive bidding processes that are structured to favor one service provider undermine the competitive process.

FCC rules require your service provider to offer you the option of requesting discounts on bills, or of paying the bills in full and then receiving reimbursement. We recommend that you include your preferred method for receiving discounts when considering bids and discuss that with your service provider.

Beginning with Funding Year 2005, FCC rules restrict funding of Internal Connections Other than Basic Maintenance to only twice every five years. This rule does not apply to Basic Maintenance of Internal Connections.

A technology plan that covers all 12 months of the funding year is required for all services except basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only. The technology plan must have been written before the Form 470 is filed, and must be approved by a state or other authorized body that is an SLD-certified Technology Plan Approver prior to the commencement of discounted services.

To assist us in evaluating the impact of new technology on the nation's schools and libraries, you will be asked to provide the National Center for Education Statistics (NCES) or Federal-State Cooperative System (FSCS) code for any recipient of service. Please continue to review the web site for additional information.

FCC Registration Numbers may be obtained through the FCC Registration Number Commission Registration System (CORES) at [www.fcc.gov](http://www.fcc.gov). The FCC's "Red Light Rule" became effective November 1, 2004. The FCC adopted Section 1.1910 of the rules to implement the Debt Collection Improvement Act of 1996 (DCIA), and amended 47 C.F.R. Secs 1.8002 and 1.8003 "to require all entities that participate in the schools and libraries universal service support mechanism to obtain an FCC Registration Number." Please continue to review the SLD section of the USAC web site for additional guidance.

Complete information about the filing window for the Funding Year 2005 Form 471, is posted to the SLD web site.

It is important to remember that not all requested services will necessarily be approved for discounts. Your Form 471 will be subject to review by the SLD for a determination of funding eligibility before funds are committed. This review will consider all program rules, including eligibility of discount recipients and the eligibility of services for which discounts are requested. In addition, availability of funds will be a factor in funding decisions. Therefore, you should consider the possibility of a denial of funding or a level of funding below your request, and include appropriate contingencies in



contracts for any or all of the requested services.

Thank you for your interest in the Schools and Libraries program. If you have any questions, please contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

Schools and Libraries Division  
Universal Service Administrative Company

**USAC****Universal Service Administrative Company**  
Schools & Libraries Division**FUNDING YEAR 2005 FORM 471**  
**POSTMARKED OUTSIDE OF WINDOW**

June 8, 2005

Steve Poros  
CONNEAUT AREA SCHOOL DISTRICT  
263 LIBERTY ST  
CONNEAUT, OH 44030-2705Re: Applicant's Form Identifier: 77777  
Form 471 Application Number: 489200

Dear Steve Poros:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 05/31/2005, which is AFTER the 2005-2006

filing window closed at 11:59 p.m. EST on Friday, February 18, 2005.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD section of the USAC web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2005-2006 applications, about funding for applications filed after the close of the filing window or about plans for the 2006-2007 application process, please visit our web site or call the Client Service Bureau at 1-888-203-8100.

**TO APPEAL THIS DECISION:**

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
  - Appellant name,
  - Applicant name,
  - BEN,
  - Application number as assigned by the SLD,
  - Name of the letter and funding year (both are located at the top of the letter),
- AND
  - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.

5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site. Click "continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973)599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division  
Box 125 - Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service Administrative Company  
Schools & Libraries Division

September 20, 2005

Brian D. Chase  
Conneaut Area City Schools  
400 Mill Street  
Conneaut, OH 44030

Brian D. Chase:

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence dated September 9, 2005, on September 14, 2005, regarding the 2005-2006 funding decision on your 471 applications 489200. These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the program integrity assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. We will then follow with a funding commitment decision letter for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We have begun an in-depth review of the appeals we have received, and our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your case with the care and attention it deserves.

Schools and Libraries Division  
Universal Service Administrative Company



**Universal Service Administrative Company**  
Schools & Libraries Division

**Administrator's Decision on Appeal - Funding Year 2005-2006**

October 13, 2005

Brian D. Chase  
Conneaut Area City Schools  
400 Mill Street  
Conneaut, OH 44030

Re: Applicant Name:	CONNEAUT AREA SCHOOL DISTRICT
Billed Entity Number:	129417
Form 471 Application Number:	489200
Funding Request Number(s):	1357826, 1357827
Decision Letter Date:	June 08, 2005
Date Appeal Postmarked:	September 12, 2005
Your Correspondence Dated:	September 09, 2005

Our records show that your appeal was postmarked more than 60 days after the date your Form 471 Postmarked Outside of Window Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Schools and Library Division (SLD) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company



Universal Service

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## Administrator's Decision on Appeal

Year 2005-2006

October 14, 2005

Brian D. Chase  
Conneaut Area City School District  
400 Mill Street  
Conneaut, OH

Requestant Name:

CONNEAUT AREA SCHOOL DISTRICT

Billed Entity Number:

129417

Form 471:

489263

Funding Request Number(s):

1 Unassigned

Your Correspondence Dated:

September 09, 2005

After thorough

Service Administrator

libraries

made its

Regarding your appeal of the Form 471 Application listed above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please you will receive a separate letter for each application.

Funding:

1 Unassigned

Decision on:

Dismissed

Explanation:

- In your appeal letter, you state that the former technology coordinator did not complete the Form 471, however, you would still like to be considered for funding.
- You are appealing a Form 471 that was never completed. Therefore the issue you raise on appeal is moot and requires no action by SLD at this time. Consequently, your appeal is dismissed.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter.



Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company